

ALLYN & FORTUNA, LLP
Nicholas Fortuna (NF 9191)
Attorneys for Defendant
MEL BERNIE and COMPANY
200 Madison Avenue, 5th floor
New York, New York, 10016-3903
Ph: (212) 213-8844
Fax: (212) 213-3318

**UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

CIRCA INC.,

Docket No.: 07 CV 10265

Plaintiff,

MOTION TO ADMIT
COUNSEL PRO HAC VICE

-against-

MEL BERNIE and COMPANY,

Defendant.

FILED
U.S. DISTRICT COURT
S.D. OF N.Y.
DEC 20 PM 1:38

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Nicholas Fortuna, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

Applicant's Name: Marvin Gelfand

Firm Name: Weissmann, Wolff, Bergman, Coleman, Grodin, & Evall LLP

Address: 9665 Wilshire Boulevard, Ninth Floor, Beverly Hills, CA 90212-2345

Phone Number: (310) 858 – 7888

Fax Number: (310) 550 – 7191

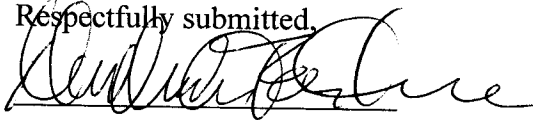
MARVIN GELFAND is a member in good standing of the Bar of the State of California.

There are no pending disciplinary proceedings against MARVIN GELFAND in any State or Federal court.

Dated: December 19, 2007

New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas Fortuna", written over a horizontal line.

ALLYN & FORTUNA, LLP
Nicholas Fortuna (NF 9191)
Attorneys for Defendant
MEL BERNIE and COMPANY
200 Madison Avenue, 5th floor
New York, New York, 10016-3903
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TO:

Robert James Basil
Collier & Basil, P.C., (NYC)
60 West 57th Street, Suite 16-O
New York, NY 10019

Denise Darmanian
Gallo & Darmanian
230 Park Avenue
Suite 863
New York, NY 10169



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

November 30, 2007

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MARVIN GELFAND, #53586 was admitted to the practice of law in this state by the Supreme Court of California on December 14, 1972; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; that the public record states that information has been provided pursuant to Business and Professions Code section 6086.1(c); and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert", is written over a horizontal line.

Kath Lambert
Custodian of Membership Records

ALLYN & FORTUNA, LLP
Nicholas Fortuna (NF 9191)
Attorneys for Defendant
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200 Madison Avenue, 5th floor
New York, New York, 10016-3903
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**UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

-----X

CIRCA INC.,

Docket No.: 07 CV 10265

Plaintiff,

-against-

AFFIDAVIT OF
NICHOLAS FORTUNA
IN SUPPORT OF MOTION
TO ADMIT PRO HAC VICE

MEL BERNIE and COMPANY,

Defendant.

-----X

State of New York)
)
County of New York)

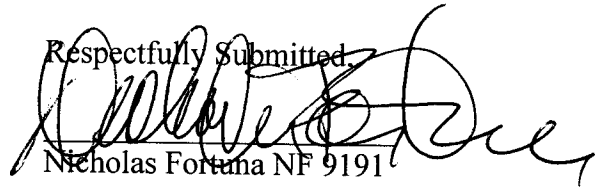
NICHOLAS FORTUNA, being duly sworn, hereby deposes and says as follows:

1. I am a member of the firm of Allyn & Fortuna LLP, counsel for the defendant MEL BERNIE and COMPANY in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal of the facts set forth herein and in support of Plaintiff's motion to admit MARVIN GELFAND as counsel pro hac vice to represent the defendant in this mater.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on April 18, 1997. I am also admitted to the bar of th United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known MARVIN GELFAND since 1998.

4. MARVIN GELFAND is a senior partner at the law firm of Weissmann, Wolff, Bergman, Coleman, Grodin, & Evall LLP, Beverly Hills, California 90212-2345.
5. I have found Mr. Gelfand to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of MARVIN GELFAND, pro hac vice.
7. I respectfully submit a proposed order granting the admission of MARVIN GELFAND, pro hac vice, which is attached hereto as Exhibit "A".

WHEREFORE it is respectfully requested that the motion to admit MARVIN GELFAND, pro hac vice, to represent defendant in the above captioned matter be granted.

Dated: December 19, 2007
New York, New York.

Respectfully Submitted,

Nicholas Fortuna NF 9191

ALLYN & FORTUNA, LLP
Nicholas Fortuna (NF 9191)
Attorneys for Defendant
MEL BERNIE and COMPANY
200 Madison Avenue, 5th floor
New York, New York, 10016-3903
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**UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

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CIRCA INC.,

Docket No.: 07 CV 10265

Plaintiff,

-against-

ORDER FOR ADMISSION
PRO HAC VICE ON
WRITTEN MOTION

MEL BERNIE and COMPANY,

Defendant.

-----X

Upon the motion of Nicholas Fortuna, attorney for defendant MEL BERNIE and COMPANY in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: December 19, 2007

New York, New York

United States District Court Judge.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 : SS :
COUNTY OF NEW YORK)

Cliff Burr, being duly sworn, deposes and says:

On December 20, 2007 I served the annexed Motion to Admit Counsel Pro Hac Vice on the attorney(s) and/or parties named below by depositing a true copy in a postage-paid, properly addressed envelope into the care of the United States Postal Service at the postal box located at 200 Madison Avenue, New York, New York 10016. Postal service directed as follows:

Robert James Basil
Collier & Basil, P.C., (NYC)
60 West 57th Street, Suite 16-O
New York, NY 10019

Denise Darmanian
Gallo & Darmanian
230 Park Avenue
Suite 863
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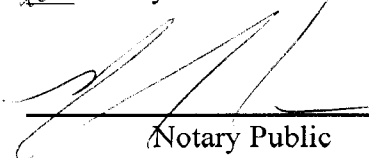
Such being the address previously designated for that purpose in the preceding papers in this action. Such service was done in full compliance with Rule 2103 of the CPLR. I am over 18 years old.

Dated: New York, New York
December 20, 2007



Cliff Burr

Sworn To Before Me This
20th Day of December 2007



Notary Public

PAULA LOPEZ
Notary Public State of New York
No. 02LO6111323
Qualified in Kings County
Commission Expires June 7, 20 08